

REMARKS

In the Office Action, the Examiner noted that claims 1-40 are pending in the application, and that claims 1-40 are rejected. The Examiner objected to claim 29. By this response, both of the claims designated with the numeral "29" have been cancelled and new claims 41 and 42 have been added. Claims 1-28 and 30-40 continue unamended. In view of the above amendments and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in condition for allowance.

I. AFFIDAVIT UNDER 37 C.F.R. §1.131

The Examiner has cited, as the basis for rejecting claims 1-40 (discussed below), the Li patent (United States patent 6,549,587, issued April 15, 2003). The Li patent was filed on January 28, 2000. The Applicant submits that she conceived and with due diligence constructively reduced her invention to practice, as presently claimed, prior to the filing date of the Li patent. In support of this submission, the Applicant encloses an executed declaration under 37 CFR 1.131 that declares a conception date for the invention claimed in the above-identified patent application to be on or before January 28, 2000, and that due diligence was exercised toward constructively reducing the invention to practice. In view of this declaration, the Li patent is not prior art to the Applicant's invention.

The Applicant notes that the Li patent claims priority to several provisional patent applications having filing dates prior to January 28, 2000. Under 35 U.S.C. §102(e), the filing date of a provisional patent application may be the effective filing date of a United States patent claiming priority to such provisional patent application only to the extent that such provisional patent application supports the subject matter used to make the rejection. See MPEP §706.02(f). Since there is no evidence that any of the provisional patent applications to which the Li patent claims priority supports the subject matter used to make the rejection, the only valid effective filing date of the Li patent is the actual filing date of January 28, 2000. The Applicant invites the Examiner to provide

evidence that one or more of the provisional patent applications to which the Li patent claims priority support the subject matter used to make the rejections, thereby entitling the Li patent to an earlier effective filing date.

II. OBJECTIONS

The Examiner has objected to claim 29, since there are two claims designated with the numeral "29". The Applicant has cancelled both claims designated with the numeral "29" and have added both such claims as new claims 41 and 42. As such, the Applicant respectfully requests that the objection be withdrawn.

III. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1-40 as being unpatentable over the Li patent (United States patent 6,549,587, issued April 15, 2003) in view of the Amrany patent (United States patent 6,067,316, issued May 23, 2000). The rejection is respectfully traversed.

As discussed above in Section I, the Li patent is not prior art to the Applicant's invention. Amrany generally teaches a circuit for combined XDSL and POTS communication services. (See Amrany, Abstract). Amrany is concerned with reducing the number of components on a circuit card. (Amrany, col. 2, lines 13-18). Amrany does not teach, suggest, or otherwise render obvious the Applicant's invention. Namely, Amrany does not teach or suggest decoding and filtering streamed packets to generate a PCM signal stream. Specifically, the Applicant's claim 1 positively recites:

"A method for generating a pulse code modulated (PCM) signal stream from a plurality of streamed packets received over a packet network, said method comprising the steps of:

decoding said plurality of streamed packets to generate a decoded signal stream; and

filtering said decoded signal stream to generate said PCM signal stream."
(Emphasis added).

Therefore, the Applicants contends that claim 1 is patentable over Amrany and, as such, fully satisfies the requirements of 35 U.S.C. §103.

Furthermore, independent claims 12, 18, 21, 27-28, 37, and 40 each recite relevant features similar to those recited in claim 1. Thus, for at least the same reasons discussed above, the Applicant submits that claims 12, 18, 21, 27-28, 37, and 40 are patentable over Amrany and, as such, fully satisfy the requirements of 35 U.S.C. §103. Finally, claims 2-11, 13-17, 19-20, 22-26, 30-36, 38-39, and new claims 41-42 depend, either directly or indirectly, from claims 1, 12, 18, 21, 27-28, 37, and 40 and recite additional features therefor. Since Amrany does not render obvious the Applicant's invention as recited in claims 1, 12, 18, 21, 27-28, 37, and 40, dependent claims 2-11, 13-17, 19-20, 22-26, 30-36, 38-39, and 41-42 are also nonobvious and are allowable.

CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone either Mr. Robert M. Brush, Esq. or Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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